

# ABOUT GROWTH

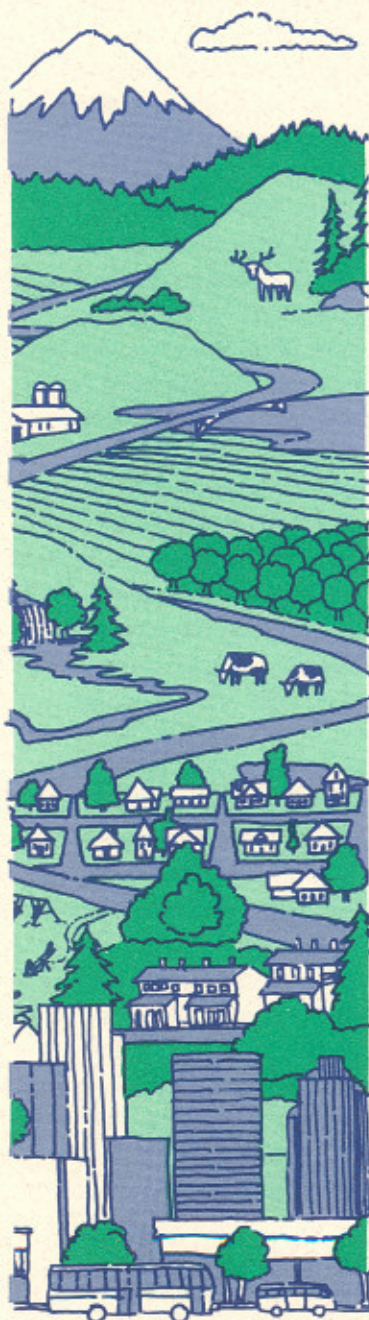
A Quarterly Publication About Growth Management

Summer 1995



**WASHINGTON STATE**  
**COMMUNITY, TRADE AND**  
**ECONOMIC DEVELOPMENT**

*Building Foundations for the Future*



## State rapidly losing habitat; growth management offers answers

By Bob Turner, Director  
Washington Department of Fish and Wildlife



**F**ish and wildlife are such a valued and vital part of Washington's identity it's impossible to imagine our state without them.

Yet with an anticipated growth rate of 2.7 million more people by 2020, the state is rapidly losing habitat that was once occupied by fish and wildlife. As a result, growth must be carefully managed to prevent further destruction of their shrinking habitat.

The question becomes how do we do that? Local governmental use of the GMA may be the best way. The GMA is one of the most important legislative and planning tools available for assuring the future of fish and wildlife in our state.

Adequate protection goes well beyond the limited authority of this department to set seasons and issue permits for work in streams, lakes, and marine waters.

Fish and wildlife populations depend on the presence of adequate habitat. Preserving fish and wildlife largely rests on land use decisions made by local governments and private landowners. This presents a challenge to city and county governments.

Approximately 30,000 acres of fish and wildlife habitat are converted to other uses in Washington each year. Habitat loss is the principal reason why Washington has 32 state-listed endangered and threatened species and 56 more candidates for listing.

Listing of a species hinders local governments and private landowners because it may result in some loss of local control in land use decisions. Recovery of

endangered or threatened species is costly to Washington citizens and is increasingly difficult to pull off because there's less habitat with which to work. That's where the GMA comes in.

Growth management holds the key to preserving, protecting, and enhancing fish and wildlife resources and the promise of better planning. Comprehensive plans can be proactive and incorporate a watershed approach rather than addressing problems on a species by species basis.

Local governments also have the department's Priority Habitats and Species Program available to them. The program represents through detailed maps the most complete inventory of important fish and wildlife resources in the state. It also offers management recommendations for local jurisdictions so they can plan the protection and perpetuation of fish and wildlife for future generations.

Landowners benefit from the GMA, as well. The department supports regulatory reform that speeds up permit procedures, gives certainty to landowners, and adequately protects fish and wildlife. The department also supports innovative approaches to resource conservation, such as clustering of home sites to preserve open space and critical areas.

Working with local governments under the GMA is among the department's highest priorities. Planning for fish and wildlife is a new undertaking for most cities and counties.

WDFW is committed to working with local governments to provide the rich fish and wildlife heritage so valued in our state. Our job is clear. Protecting, preserving, and perpetuating our state's fish and wildlife requires a high level of cooperation. It's hard to imagine it working any other way.



## ABOUT GROWTH

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# Environmental, property rights issues take center stage in growth arena

By Steve Wells, Assistant Director  
Growth Management Services

**E**nvironmental issues and private property rights are taking center stage as local governments move into the development regulation stage of their growth management work. Though these issues are very controversial, most parties are using the GMA framework as the central structure of their search for solutions.

Due to action by the Legislature and Governor this session (SHB 1724), local governments are now required to include their shoreline master program as an element of their comprehensive plans. And a fund to make grants to local governments for integration of the State Environmental Policy Act and the Growth Management Act is one of the SEPA/GMA measures that became law. The budget includes an initial \$3 million in this fund.

In habitat management, the subject of this newsletter, finding a generally acceptable balance among environmental and private property rights and responsibilities is at the heart of the public debate.

Since the GMA has as goals both protection of the environment and protection of private property rights, what does this mean at the state and local level for our growth management work?

One of the keys to habitat retention is the willingness to purchase land (or a partial interest in the land) so that designated areas important to wildlife can be set aside. This is important in a state such as ours that is experiencing rapid growth.

While federal, state, and local governments have retained or acquired public areas since the early days of the state and new state and local programs like the Washington Wildlife and Recreation Fund and conservation futures tax have proven very effective, the likelihood of sufficient

governmental funds being available to make up for the annual loss of wildlife habitat is very slim.

Nature conservancies and local land trusts, to some degree, are stepping up to the challenge. Important lands have been purchased and easements have been donated. This is a movement that needs to be encouraged and supported in comprehensive plans and their implementing programs.

For local governments, the opportunity is to use the GMA framework to coordinate the use of regulatory and nonregulatory tools.

On regulatory methods, local governments can review critical area ordinances, including habitat protection requirements, as they undertake their development regulation work. Wildlife issues also can be considered as subdivision ordinances and other development regulations are prepared.

The GMA and the minimum guidelines also encourage the use of nonregulatory methods. Examples include the Everett SWIS-funded wetland project, King County's Open Space strategy, and Thurston County's proposed program for purchase and transfer of development rights.

Local governments may take full advantage of a combination of tools such as the real estate excise tax, conservation futures, transfer of development rights programs, and mitigation funds under the State Environmental Policy Act.

Also important is the relationship of GMA plans to functional plans such as watershed restoration, flood hazard reduction, and nonpoint pollution control plans. Action items from these plans need to be included in and consistent with GMA plans and budgets.



# Network links wildlife habitats

By Kate Stenberg

King County Wildlife Program Manager

Protecting natural resources is a difficult task in an environment that demands both flexibility and predictability from its governments. Protecting wildlife is especially difficult since standardized management prescriptions, when applied to many different situations, often do not make sense for either the landowner or the wildlife.

King County has attempted to achieve a balance by identifying priority species that will be managed on a case-by-case basis and at the same time has designated a county-wide system of wildlife habitat networks which will help ensure that wildlife diversity of the county is maintained.

## The Policies

Wildlife policies developed for the 1994 King County Comprehensive Plan were intended to clarify and direct existing practices and incentive programs to protect our wildlife resources. The Growth Management Act requires cities and counties to designate critical areas that include "fish and wildlife habitat conservation areas."

The King County Comprehensive Plan defines FWHCA as habitats for threatened and endangered species; salmonid habitats; breeding habitat for several raptor and heron species; shellfish areas; kelp and eelgrass beds; herring and smelt spawning areas; designated wildlife habitat networks; and riparian corridors.

Outside of the urban area, the county will also protect habitats for "candidate" and other priority species. Candidate species are those that are expected to be listed in the near future.

Priority species are those that have been identified by the state through a multi-year, multi-agency and industry process as having the highest priority for management. Most of the species identified as "priority" are already listed as threatened, endangered, or candidate. Priority habitats identified by the state, which include such irreplaceable and

critical features as cliffs, caves, and talus slopes, were not included in the comprehensive plan.

The King County Comprehensive Plan also designated a system of wildlife habitat networks. The network system builds on the growing inventory of public open space lands and parks in the county. The habitat network is intended to link those open spaces together as well as maintain connections between high quality streams and wetlands across the landscape.

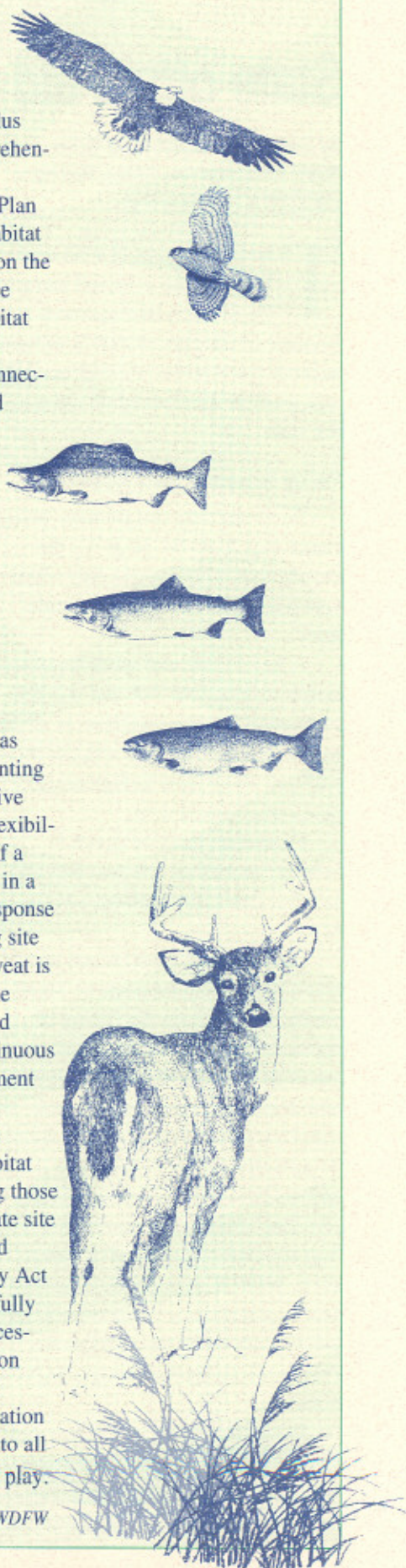
Other wildlife policies in the comprehensive plan encourage the county to set a good example in wildlife management and steward its own lands; encourage landowners to find ways to integrate wildlife into their development plans; and promote incentives and educational programs.

## Implementation

Development of new regulations has been minimal. The new code implementing the wildlife habitat networks tries to give individual property owners as much flexibility in siting the networks as possible. If a developer wishes to route the network in a different place within the parcel, in response to more information discovered during site planning, that is allowed. The only caveat is that the network must enter and exit the parcel where it is shown on the adopted network map. This ensures that a continuous network results as individual development proposals are prepared over time.

There is no specific code language directly related to fish and wildlife habitat conservation areas. By clearly defining those areas in the policy language, appropriate site specific mitigation can be implemented through the State Environmental Policy Act process. In addition to regulations, to fully protect wildlife resources it will be necessary to use the full range of conservation tools — from acquisitions that protect habitat reserves to incentives and education which help people integrate wildlife into all of the places where we live, work, and play.

Illustrations by Darrell Pruett, WDFW





# State offers aid in protecting fish, wildlife 'homes'

By Steve Penland and Steve Keller  
Growth Management Coordinators, Washington  
Department of Fish and Wildlife

The Department of Fish and Wildlife has a vested interest in the Growth Management Act because of the opportunity it presents to local governments to address fish and wildlife interests of all citizens of the state.

## Policy issues in plan review

The following are primary policy issues that form the basis for the department's review of comprehensive plans and critical area regulations.

A key to fish and wildlife protection is to integrate fish and wildlife management considerations in all land use decisions. Fish and wildlife have suffered more from benign neglect than conscious abuses.

Protection must be given to habitats as well as species; fish and wildlife can't live without a place to live.

The scope of habitats and species receiving protection must be broad enough to preclude the listing of species; to preserve functional amounts of important habitat types; and to support sport, commercial, and tribal harvests. This approach should be proactive – the inclusion of fish and wildlife considerations in land use planning should not require that they first become endangered or threatened. WDFW strongly believes this is best accomplished by incorporating our Priority Habitats and Species Program into local plans and regulations.

Protection given to habitats and species must be appropriate to the requirements of the resource. Appropriateness is related to several factors,

including the degree to which habitat fragmentation is avoided; scope of regulated uses and activities; adequacy of the review process for development proposals; development standards; and conditional measures that may be attached to development permits.

## Priority Habitat and Species Program

The Washington Department of Fish and Wildlife initiated the Priority Habitat and Species Program in 1989 to provide planners, elected officials, biologists, landowners, and citizens with comprehensive information on important and vulnerable fish and wildlife and their habitats. The program addresses the following:

- Which habitats and species are of greatest concern.
- Where these habitats and species are located.
- What steps can be taken to protect these habitats and species.

Geographic information system mapping of these resources has been completed across 29 million acres in Washington state, and management recommendations also have been developed. The maps and information, in both hard copy and digital recordings, and the management recommendations are available from WDFW by calling 360-902-2543.

Wetlands, riparian areas, nearshore marine areas, and winter ranges are particularly important to fish and wildlife and are especially vulnerable to land use changes. Particular attention should be paid to these areas in plans and regulations. In addition to its multiple human uses, open space usually serves as fish

and wildlife habitat. Jurisdictions should strive to create a network of open space areas with interconnecting corridors rather than small, isolated fragments of open space that are less beneficial to fish and wildlife species.

Many species of fish and wildlife migrate great distances or utilize large areas crossing several jurisdictional boundaries. GMA planning should include coordination with neighboring cities and counties regarding fish and wildlife resources that cross political boundaries.

WDFW hopes and expects to be able to work cooperatively with local jurisdictions in the development and implementation of comprehensive plans and regulations. Cooperative relationships are vital to the department's mandate to effectively manage our state's fish and wildlife resources.

Among the best examples of comprehensive plans addressing fish and wildlife that WDFW has reviewed are those from Redmond, Kent, Renton, Puyallup, Seattle, and Thurston, Whatcom, and Clallam counties.

## Species needing protection

Do we need to protect only endangered and threatened species?

Endangered and threatened species represent mistakes that have already happened or lack of adequate planning in land use changes that have already occurred. A focus on just these species is a reactive mode of planning that only addresses ways to mend past neglect.

A wildlife protection program for only the most imperiled species is like navigating down a highway by looking in the rearview mirror; instead, we need to be looking at what the headlights are showing us.



It is also contrary to the principles of land use planning. The true spirit of planning anticipates potential conflicts and responds to these proactively before they become real problems.

Therefore, planning for wildlife should include species currently being pushed toward endangered or threatened status. Waiting until a species becomes precarious before taking any action will ensure that protection plans

will be costly, surrounded by controversy, and less likely to be successful than preventative measures.

WDFW recommends that local jurisdictions recognize there are other categories of important and vulnerable wildlife beyond endangered and threatened.

These other categories have been incorporated in WDFW's Priority Habitats and Species Program, and

they include candidate and a few monitor, game, and protected species (such as great blue herons, trumpeter swans, osprey, and cutthroat trout). WDFW strongly recommends that local jurisdictions use the PHS Program in their comprehensive plans and critical area regulations.

## *Writing a critical areas ordinance for fish and wildlife habitat*

A critical areas ordinance is where the rubber meets the road in fish and wildlife protection. The Washington Department of Fish and Wildlife recommends several important features in a critical areas ordinance to adequately protect fish and wildlife. These features are discussed below.

A statement of purpose should generally include the following:

- to protect environmentally sensitive areas;
- to prevent unwise development in environmentally sensitive areas;
- to mitigate unavoidable impacts to environmentally sensitive areas; and
- to prevent cumulative adverse environmental impacts.

Regulated uses and activities in critical areas should be spelled out and be sufficiently broad to protect wildlife and habitat.

Examples of appropriate regulated uses include: removal, excavation, or grading of soil; dredging, dumping, or

discharging of material; filling, draining, or flooding of an area; construction, demolition, or expansion of any structure; clearing or other major alteration of vegetation; and activities affecting surface or ground water resources.

The permit-granting agency should withhold, condition, or deny approval if a proposal is not consistent with the regulations.

Regulations (usually via definitions/classifications of fish and wildlife habitat conservation areas) will ideally include WDFW's Priority Habitats and Species.

Habitats and species of local importance should either be specified or a procedure to nominate and name them should be included.

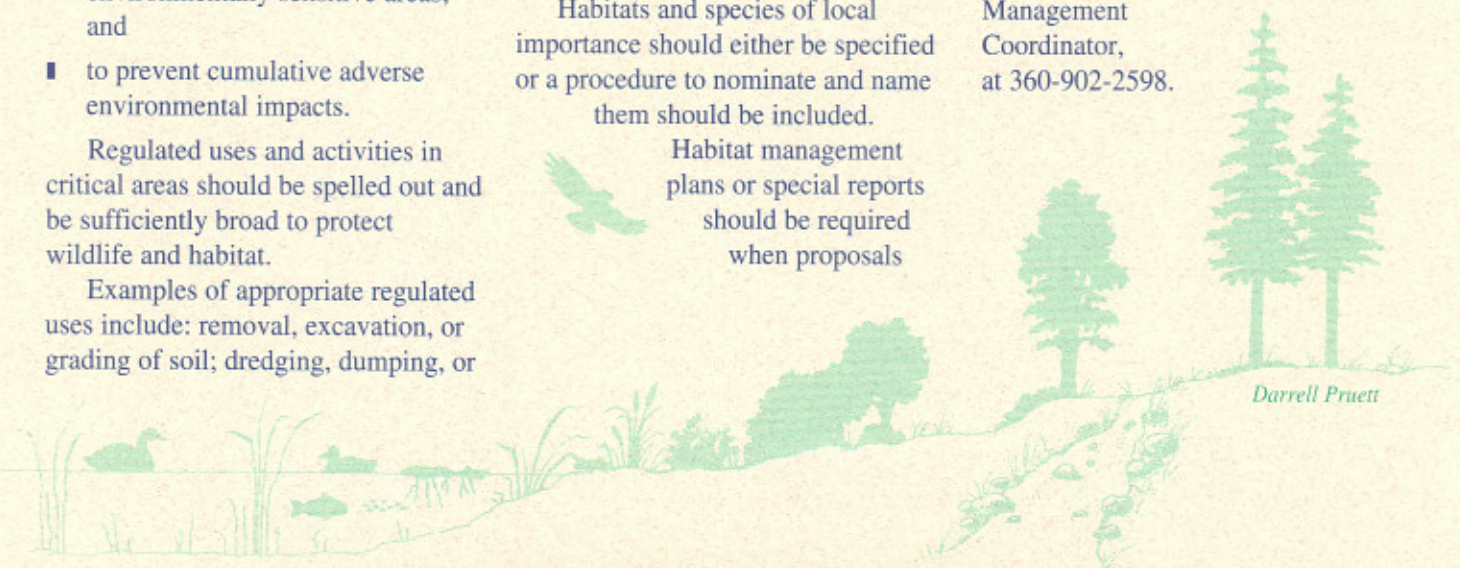
Habitat management plans or special reports should be required when proposals

may impact fish and wildlife habitat conservation areas, and the contents of the plan, including opportunity for WDFW review, should be specified.

Among the best examples of ordinances to protect fish and wildlife that WDFW has reviewed are those from Steilacoom, Sumner, and the counties of Spokane (draft) and Thurston.

The department has compiled excerpts from critical areas ordinances from across Washington state. To receive a copy of this "model" ordinance, contact Stephen Penland, WDFW Growth Management Coordinator, at 360-902-2598.

*Darrell Pruett*





# DOE sites good examples in critical areas ordinances

By Peggy Clifford  
Environmental Planner,  
Washington Department of Ecology

When the Department of Ecology reviews critical areas ordinances it looks for regulations that are based on science, provide predictability, and provide flexibility for management options that both protect the resource and allow use of property.

Our key areas of interest are:

1) the scope of regulation (what is regulated, what is exempted from regulation, and how decisions are made about which regulated activities will be permitted); 2) mitigation (how functions lost due to a permitted alteration of a wetland will be replaced); 3) rating systems (ways of relating wetland standards to wetland value); and 4) buffer widths (are they adequate to protect wetland functions).

Each jurisdiction chooses standards that are unique to its community. Some provide more protection than others. Some good examples are described below.

Clallam County made decisions up front about what uses are allowed in wetlands. A matrix shows possible uses for each category of wetland. In contrast many jurisdictions use regulatory standards to determine whether a specific use is allowed. Clallam County's method provides more certainty, but is more complicated and probably has less flexibility. The other produces a simpler document and has more flexibility, but provides less certainty about the outcome of the regulation.

The Clallam County ordinance also provides direction for subdivisions of land so that new unbuildable lots are not created. The specific language is as follows: "New lots shall contain at least one building site,

including access and sewage disposal system location, that is suitable for development and is not within the regulated wetland or its associated buffer."

Okanogan County's critical areas ordinance provides alternatives for low intensity land uses (such as single-family residences) in terms of buffer size versus delineation cost. The applicant agrees to larger buffers than the minimum size required if delineation of the wetland is waived. This saves the applicant several thousand dollars and still insures protection for the wetland.

Thurston County's Critical Areas Ordinance includes a provision that allows reduced buffer sizes in some cases where the buffer area has been appropriately enhanced.

Everett is using a new method to assess wetlands by function and to determine which wetlands deserve the most protection and where development is most feasible. The results will be used to develop a land use program that integrates Everett's sensitive areas ordinance with its Shoreline Master Program.

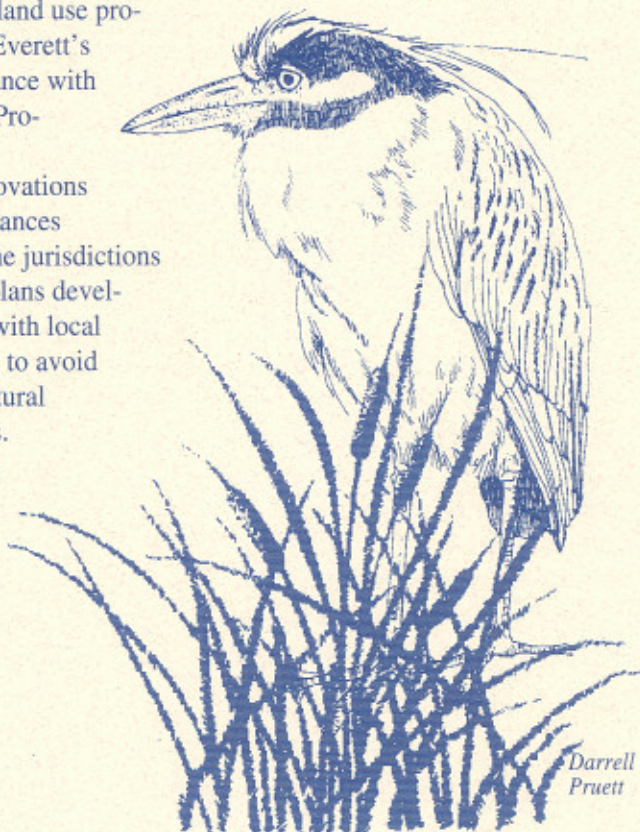
Some similar innovations appear in many ordinances around the state. Some jurisdictions have relied on farm plans developed in conjunction with local conservation districts to avoid impacts from agricultural practices on wetlands.

Many ordinances also reference best management practices for stormwater and wetlands from the Stormwater Management Manual for the Puget Sound Basin.

Many jurisdictions are using innovative options such as planned unit developments that feature clustering units on one portion of the site. Other innovative options include transfer of development rights and mitigation banking.

Some previous areas of difference related to wetlands in critical areas ordinances are wetland definition and wetland delineation. The Growth Management Act provides a clear definition of wetlands which is now used statewide.

The state has recently chosen to use the 1987 Corps of Engineers manual (with 1994 regional guidance) when delineating wetlands. In addition the 1995 Legislature passed a bill that directs Ecology to adopt by rule a manual consistent with the 1987 manual. The same bill requires local governments to then adopt this manual.





# Planning policies set stage for habitat protection

By Darcey Fugman-Small  
Walla Walla Planning Director

Policies relating to habitat are included in a resource and critical lands section in Walla Walla County's county-wide planning policies.

One of the county's key habitat policies is to strive to ensure that priority wildlife species do not become imperiled or extinct due to

land use changes, habitat alteration, and other human activities.

We relied fairly heavily on the Washington Department of Fish and Wildlife for assistance in developing the habitat policies and referenced their priority habitat and species documents and maps.

In the first draft of our implementing critical areas ordinance, the PHS documents and maps were adopted. After public hearings, critical habitat

was narrowed to just riparian and cliff habitat. Now at the end of the process, we are back to the original PHS maps and data.

I think when the county's critical area ordinance is adopted in June it will include the original PHS designations we started with. On the flip side, since protection is tied to state and federal regulating agencies, a lot of that habitat will not be protected because, for the most part, these agencies have little regulatory authority and permits are not required for altering habitat in this state.

On wetlands, the county's ordinance ended up with two different classes, wetlands and shorelines of the state and other streams not covered by the Shoreline Management Act. Our study committee recognized that the high category wetlands here are under federal control along the Columbia and Snake rivers. Our ordinance contains provisions for coordinating with federal and state agencies and relies on their mitigation requirements.

The county is proposing protection zones (buffers) of 50 feet. They can be increased to 100 or decreased to 25 depending on scientific evidence. The habitat issues in Walla Walla County center around urban growth in the valley that is moving where small streams and springs are located.

Walla Walla County's critical areas work has been challenging because the terrain varies from areas with 7 inches of annual rainfall to the Blue Mountains with 30 inches of rain annually. The county's critical areas work has been challenging because the terrain varies from areas with 7 inches of annual rainfall to the Blue Mountains with 30 inches of rain annually, and additionally, virtually all of the land in the county is private property.

## SEPA/GMA grant pilot projects winding up; report to be issued

A report will be available this summer on work accomplished by the six SEPA/GMA grant pilot projects.

The Washington State Legislature appropriated \$1.35 million to CTED in 1994 to provide financial and technical assistance to local governments to explore innovative ways to integrate the State Environmental Policy Act and the Growth Management Act.

Duvall used the SEPA process to test alternatives for a land-use development regulation system. Regulations were evaluated for impacts under various design scenarios, physical constraints, and types of land uses.

King County developed a benchmarks program for the county, the suburban cities, and Seattle to evaluate the success of their county-wide planning policies. The benchmarks program provides information for monitoring progress and allows them to make appropriate adjustments to their county-wide planning policies.

Tacoma used SEPA and GMA processes to actively engage the public, regulatory agencies, and business in analyzing alternatives for the redevelopment of the Thea Foss Waterway industrial area. Tacoma is

publishing a programmatic environmental impact statement for the Thea Foss Waterway subarea.

Everett prepared a subarea plan for the industrial development of the Southwest Everett/Paine Field. Everett defined transportation, water, air, and other "sheds" where impacts of proposed or approved projects in the area will be estimated.

The Yakima Valley integrated SEPA environmental analysis with GMA planning to determine levels of service for facilities to be provided in urban, rural, and transitional growth areas. The county examined ways to fund these services and studied the anticipated impacts from such a system of services.

Spokane County placed environmental data in its GIS to be used as a tool for designating interim urban growth areas. The information collected will be useful for developing the EIS for the locations of interim UGAs. The county also drafted performance standards and mitigation measures to offset the impacts of urban development.

For information on the report, contact Peter Riley at 306-753-4314.



# Legislature passes growth management related laws

Many growth management issues were debated during the 1995 legislative session. A brief summary of bills related to the Growth Management Act that passed is included below.

If you would like to obtain copies of any bills described in this legislative summary, call the bill room in Olympia at 360-786-7573.

## ESHB 1724: SEPA-GMA integration (C 347 L 95)

ESHB 1724 requires a county or city planning under the Growth Management Act to include its shoreline master program as an element of its comprehensive plan.

All counties and cities must adopt procedures combining environmental review with project review by March 31, 1996.

GMA cities and counties must establish an integrated and consolidated development permit process for all projects involving two or more permits by March 31, 1996. A final permit decision by GMA counties and cities must be made within 120 days after the applicant has been notified the application is complete.

ESHB 1724 recognizes GMA as the fundamental building block for regulatory reform. Under GMA, local jurisdictions are to provide for enhanced environmental review of their comprehensive plans or subarea plans and/or development regulations to reduce or eliminate much of the environmental analysis of permit applications or project environmental impact analysis. CTED and the Department of Ecology are to develop rules for integrating environmental review and project review. Funding for these

reviews may come from locally imposed environmental analysis fees and/or an environmental review loan fund established under this law.

DOE is to establish a state permit assistance office to maintain a list and explanation of permitting laws and to provide a consolidated state permitting procedure that applicants may use at their option and expense.

A 14-member land use study commission is created.

## EHB 1305: GMA urban growth areas and population requirements for large counties (C 400 L 95)

EHB 1305 changes the population required to trigger planning under the GMA from 10 percent to 17 percent for a 10-year period for counties with a population of 50,000 or more.

It allows counties to designate urban growth areas outside of cities. The term "in general" is added to the GMA statement that indicates urban services are to be provided by cities.

## SB 5019: Industrial development siting (C 190 L 95)

Counties planning under the GMA may establish, in consultation with cities, a process for authorizing the siting of major industrial developments outside urban growth areas. Such a development may be approved if certain criteria are met.

## ESB 5876: OFM population projections (C 162 L 95)

The 20-year growth management planning population projections prepared by the state Office of Financial Management may be expressed as a range with the middle range representing OFM's most likely projection.

The projections must be reviewed with cities as well as counties. Local governments can provide relevant

information to OFM and petition OFM to revise the projections.

## E2SSB 5632: GMA and flood control management (C 402 L 95)

GMA comprehensive plans, development regulations, critical area designations, and comprehensive flood control management plans (developed under RCW 86.26.105) must be consistent.

A comprehensive flood control management plan is to be completed and adopted by any county that has experienced at least two presidentially declared flood disasters within the most recent 10-year period by December 31, 1999, or within two years of a second presidentially declared flood disaster.

## E2SSB 5448: Public water systems (C 376 L 95)

This law makes changes to improve operation and management of small drinking water systems, to clarify coordinated water system planning processes and responsibilities, and to enhance local government decision-making regarding water systems.

## SSB 5567: Single-family residential neighborhoods (C377 L 95)

GMA housing elements must: (1) ensure the vitality and character of established residential neighborhoods; and (2) include a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family housing.

## 2SSB 5387: Multi-family housing tax exemption (C 375 L 95)

This law establishes a 10-year property tax exemption for new, rehabilitated, or converted multi-unit housing in urban centers. The exemp-



tion is limited to cities with a population of at least 150,000.

**SSB 5209: Water-sewer extension  
(C 131 L 95)**

A boundary review board cannot review an extension of water or sewer service by a city, town, or special purpose district beyond its boundaries if the extension is within that jurisdiction's service area in an approved county-wide plan.

**SHB 1507: Heritage capital projects  
(C 182 L 95)**

This law requires the Washington State Historical Society to establish a process to solicit and prioritize heritage capital projects for potential funding in the state capital budget. Local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by WSHS, may apply for funding.

**SSB 5155: Certain projects exempt from Shoreline Management Act (C 333 L 95)**

A public or private project designed to improve fish habitat, fish passage, or wildlife habitat is exempt from the permit requirements of the Shoreline Management Act when: 1) the project is approved by the Washington Department of Fish and Wildlife; 2) the project is given a hydraulic permit by the department; and 3) the local government determines that the project is substantially consistent with the local shoreline master program.

**SSB 5606: Use of reclaimed water  
(C 342 L 95)**

The departments of Ecology and Health are to take the necessary steps to encourage the development of water reclamation facilities. Reclaimed water facilities are declared eligible for financial assistance from the Centennial Clean Water Fund.

Standards for direct recharge using reclaimed water and for discharge into created wetlands are to be adopted by the Department of Ecology in consultation with the Department of Health.

**ESSB 5616: Single-application process for watershed restoration projects  
(C 378 L 95)**

By January 1, 1996, the Washington Conservation Commission must develop a single application process by which all permits for watershed restoration projects may be obtained by a sponsoring agency for its project. Each agency designates an office or official as a designated recipient of project applications and informs the commission of the designation. All agencies of state and local government will accept the single application developed by the commission.

The permit coordination program of the GMA-SMA reform law can also be used as can other types of coordinate permit arrangements.

**ESB 5776: Water resources and growth management integration (C 382 L 95)**

A definition of "wetlands" is added to the Shoreline Management Act, that is identical to the definition under the GMA. Excluded from the wetlands definition under both acts are wetlands created after July 1, 1990, that were unintentionally created as the result of road construction.

The Department of Ecology is to adopt by rule a manual for the delineation of wetlands regulated under the SMA and the GMA. The manual will implement and be consistent with the manual used by the U.S. Army Corp of Engineers and Environmental Protection Agency on January 1, 1995.

The Administrative Procedure Act is amended to authorize the Environmental Hearings Office boards and the Growth Management Hearings Boards to certify a case directly to the court of

appeals. This could occur when an appeal to superior court would result in undue delay for urgent matters of statewide or regional concern or for cases likely to establish significant precedent.

A city may use special assessments imposed in a local improvement district to finance connection charges and capacity charges and to acquire rights to use property, facilities, or other improvements.

**ESB 5888: Charges for sewerage and storm water control systems  
(C 124 L 95)**

When county governments fix rates for water, sewer, and storm water control services, customers may be classified by the nonprofit public benefit status of the land user. Cities and towns may make this distinction for sewer rates.

**ESB 5998: Waivers from requirements of on-site sewage system rules  
(C 263 L 95)**

Local health officers are authorized to grant waivers from specific requirements of the State Board of Health on-site septic systems rules. On-site systems with flows under 3500 gallons per day are eligible for such waivers.



# Growth management hearings boards

Listed below are new cases or action on existing cases before the state's growth management hearings boards.

## Central Puget Sound

### **CASE NO. 94-3-0016 STATUS: DECISION 4/4/95**

West Seattle Defense Fund vs. City of Seattle. The board found Seattle may include optional features, such as an urban village strategy, in its comprehensive plan. Seattle is required to do a more localized analysis of capital facilities because a large percentage of the city's projected growth is concentrated in localized areas. The board also said that the city must adopt a method of measuring the performance of transportation facilities.

### **CASE NO. 94-3-0018 STATUS: DECISION 5/1/95**

Pilchuck Newberg Organization, et al. vs. Snohomish County. Subject: Forest land. The county's amendment to the Interim Forest Land Development Regulations was returned to the county to be repealed or amended to use the '94 legislative definition of forest lands. The board rejected petitioner's claim that the amendment allowed urban growth outside the interim UGA boundary.

### **CASE NO. 94-3-0025 STATUS: DECISION 5/1/95**

Petitioners vs. City of Bainbridge Island. Subject: Comprehensive plan. The board found the city's plan is in compliance with the GMA with three exceptions that must be amended by 11/3/95: a) the city must use the most recent 20-year population projection allocation; b) the plan must include localized infrastructure analyses to support a land-use allocation of

50 percent projected population to a dense Winslow core and 50 percent to the remainder of the island; and c) the city's overriding principle No. 1, "to preserve the rural character of the island," must be changed. The word "rural" cannot be used because in the GMA it has a specific meaning. Urban growth areas are to develop with urban rather than rural uses.

### **CASE NO. 95-3-0008 STATUS: HEARING 7/19-20/95**

Vashon-Maury Island Community Council, et al. vs. King County. Subject: UGA, comprehensive plan, public participation, private property rights, forest lands, and environmental review.

### **CASE NO. 95-3-0011 STATUS: HEARING 6/23/95**

Children's Alliance vs. City of Bellevue. Subject: Group homes ordinance.

### **CASE NO. 95-3-0016 STATUS: HEARING 5/31/95**

City of Gig Harbor vs. Pierce County. Subject: Comprehensive plans, interim development regulations, and population allocations.

### **CASE NO. 95-3-0017 STATUS: DISMISSED 3/8/95**

City of Bonney Lake vs. Pierce County. Subject: County comprehensive plan.

### **CASE NO. 95-3-0020 STATUS: DISMISSED 4/24/95**

Pierce County vs. City of Gig Harbor. Subject: City's comprehensive plan.

### **CASE NO. 95-3-0039 STATUS: HEARING 7/26-29/95**

City of Bremerton, et al. vs. Kitsap County. Subject: County comprehensive

plan, development regulations, public participation, forest lands, critical areas, rural areas, UGA, and capital facilities.

### **CASE NO. 94-3-0040 STATUS: HEARING 7/24/95**

West Seattle Defense Fund, Neighborhood Rights Campaign, and Charles Chong vs. City of Seattle. Subject: Development regulations.

### **CASE NO. 95-3-0041 STATUS: HEARING 7/11/95**

Michael Alberg, et al. vs. King County. Subject: Natural resource land's development regulations.

### **CASE NO. 95-3-0042 STATUS: DISMISSED 5/23/95**

Snoqualmie River Valley Alliance vs. City of Snoqualmie. Subject: Comprehensive plan.

### **CASE NO. 95-3-0043 STATUS: DECISION 6/9/95**

Corinne Hensley, et al. vs. Snohomish County. The board found the county had failed to adopt a comprehensive plan, final urban growth area, and development regulations. It set compliance deadlines of 7/5/95 for the plan and final UGA, and 9/6/95 for development regulations.

### **CASE NO. 95-3-0044 STATUS: HEARING 8/9/95**

Concerned Citizens for Sky Valley vs. City of Gold Bar. Subject: Critical areas, natural resource lands, comprehensive plans, and development regulations.

### **CASE NO. 95-3-0045 STATUS: HEARING 9/21/95**

Pilchuck Audubon Society, et al. vs. Snohomish County. Subject: Critical areas ordinance.



## Western Washington

### **CASE NO. 94-2-0019 STATUS: 3/23/95**

Whitmore Reading, et al. vs. City of Olympia and Thurston County. The board found that the Joint Comprehensive Plan is in compliance with the GMA except for its failure to include the required traffic forecast.

### **CASE NO. 94-2-0021 STATUS: DECISION 5/11/95**

Moore-Clark Co. Inc. vs. Town of Laconner. The board found the county-wide planning policies and comprehensive plan not in compliance with the GMA due to its unilateral change of the population allocation and the town's public participation process.

### **CASE NO. 95-2-0051 STATUS: DISMISSED 5/11/95**

Richard Chapman vs. Clark County. Subject: Comprehensive plan. Dismissed due to lack of response by petitioner.

### **CASE NO. 95-2-0054 STATUS: DISMISSED 5/11/95**

Perry Elliott and Bella Vista Association vs. Clark County. Subject: Development regulations. Dismissed because the petitioners failed to show that they qualify as an aggrieved party.

### **CASE NO. 95-2-0061 STATUS: DISMISSED 5/11/95**

Dennis Eaton vs. Clark County. Subject: Comprehensive plan. Dismissed because the petition was not received within the 60-day filing period.

### **CASE NO. 95-2-0063 STATUS: 6/1/95**

Whidbey Environmental Action Network vs. Island County. The board found the county is not in compliance with the GMA because it did not adopt a comprehensive plan and implementing regulations by GMA deadlines. To achieve compliance, the documents need to be adopted by 10/31/95.

### **CASE NO. 95-2-0068 STATUS: HEARING 7/13/95**

City of Woodland. Subject: The city requests a clarification of its obligations under the GMA.

### **CASE NO. 95-2-0069 STATUS: HEARING 8/16/95**

Properties Four Inc. vs. City of Olympia. Subject: Transportation impact fees.

## Eastern Washington

### **CASE NO. 94-1-0001 STATUS: CASE CLOSED**

Save Our Butte Save Our Basin Society vs. Chelan County. Chelan County has repealed the ordinance in question and will continue to utilize the interim UGA established for the city in Resolution No. 93-122. The petitioner concurred.

### **CASE NO. 94-1-0017 STATUS: LETTER OF NONCOMPLIANCE SENT TO GOVERNOR**

Ridge vs. Kittitas County. Subject: Forest lands designation. Appealed by county to superior court.

### **CASE NO. 94-1-0019 STATUS: APPEALED**

City of Ellensburg and Mike Williams vs. Kittitas County. Subject: Agricultural lands. Appealed by Mike Williams to superior court.

### **CASE NO. 94-1-0023 STATUS: DECISION 4/25/95**

Benton County Fire Protection District No. 1 vs. Benton County and Cities of Kennewick and Richland. Subject: Interim UGAs. The board found compliance with the GMA.

### **CASE NO. 94-1-0025 STATUS: DECISION 4/20/95**

Mike Williams and Pauline Diefenbach and City of Ellensburg vs. Kittitas County. A Western Washington board member mediated an agreement on natural resource lands and the matter was returned to the county for compliance by 7/12/95.



# Redmond citizens want to keep wildlife in city

By Tim Trohimovich  
Redmond Senior Planner

**R**edmond is a fast-growing suburb with about 40,000 people and jobs. People still see hawks and herons, even downtown. They want to keep wildlife in the city.

The proposed Redmond Comprehensive Plan uses five strategies to protect wildlife.

The first and most basic strategy is to identify areas rich in wildlife habitats and direct development away from these areas. This is done by incorporating priority habitats and species data from the Washington Department of Fish and Wildlife into the land capacity analysis which is the heart of our land use plan. The department will make this data available on both printed map overlays and in GIS formats. The cost is low and using this data can save time.

By overlaying identified fish and wildlife habitats and existing land uses, geology data, public facilities, and other information, you can see areas that are best suited to develop-

ment and areas that should be protected from development. For example, river valleys that are rich in wildlife habitats are designated for agriculture, open space, and recreation by Redmond's plan. These areas also have many natural hazards so the plan protects both wildlife and people.

A second strategy relates to important habitats in areas designated for development. While recognizing that urban development will result in the loss of some habitats, the plan's protected critical wildlife habitats are areas that have the documented presence of an endangered, threatened, sensitive, candidate, or other priority species designated by the state or federal government. WDFW maintains lists of these species and locations of confirmed sightings. This information is available on the priority habitats and species maps and in lists of sightings.

The policies protecting critical wildlife habitats will be implemented by Redmond's critical areas regulations which prohibit development of these areas, require buffers around

them, and require management plans to maintain the habitats.

As the third strategy, the proposed policies provide that protected habitats should be connected to other protected habitats. Many wildlife species move around to hunt, find a mate, or migrate. The protected habitats need to be connected to each other to allow these activities to continue. Protected slopes, streams, buffers, open spaces, and some parks and trails will be used to link critical habitats. These links are coordinated with other jurisdictions.

As a related policy, strategy four calls for acquiring high quality habitats and links between habitats as resource parks and includes a level of service standard for resource parks.

A fifth strategy is to consult with state, federal, and tribal fish and wildlife managers in the development of comprehensive and neighborhood plans and development projects.

By including these strategies in the plan, Redmond hopes to meet the community's desire to efficiently and effectively protect wildlife in a growing community.



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